

DeWine	Kennedy	Reid
Dodd	Kerry	Roberts
Dole	Kohl	Rockefeller
Domenici	Kyl	Salazar
Dorgan	Landrieu	Santorum
Durbin	Lautenberg	Sarbanes
Ensign	Leahy	Schumer
Enzi	Levin	Sessions
Feingold	Lieberman	Shelby
Feinstein	Lincoln	Smith
Frist	Lott	Snowe
Graham	Lugar	Specter
Grassley	Martinez	Stabenow
Gregg	McCain	Stevens
Hagel	McConnell	Sununu
Harkin	Mikulski	Talent
Hatch	Murkowski	Thomas
Hutchinson	Murray	Thune
Inhofe	Nelson (FL)	Vitter
Inouye	Nelson (NE)	Voinovich
Isakson	Obama	Warner
Jeffords	Pryor	Wyden
Johnson	Reed	

## NOT VOTING—2

Baucus	Biden
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The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the President shall be immediately notified of the Senate's action.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

Mr. INOUE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRANSPORTATION EQUITY ACT: A  
LEGACY FOR USERS—Continued

Mr. INHOFE. Mr. President, I ask unanimous consent that we set aside the pending Bayh amendment for the purpose of adopting an agreed-to amendment, the Talent amendment, and go immediately back to the Bayh amendment.

Mr. BAYH. With that understanding, I do not object.

The PRESIDING OFFICER. Without objection, it is so ordered.

## AMENDMENT NO. 582

The PRESIDING OFFICER. Is there further debate on the Talent amendment?

If not, the question is on agreeing to amendment No. 582.

The amendment (No. 582) was agreed to.

Mr. INHOFE. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

## AMENDMENT NO. 568

The PRESIDING OFFICER. Under the previous order, the Bayh amendment will be the pending amendment.

The Senator from Michigan.

Ms. STABENOW. Mr. President, I rise today to show my strong support

for the Bayh amendment on countervailing duties, and I ask unanimous consent to be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. STABENOW. I commend my friend and colleague from Indiana for his vision on the issue of what we need to do to create a level playing field for our businesses and workers. This is an important amendment.

I have spoken forcefully about our need to address the unfair trade practices of those with whom we trade. A necessary step in this process is to change those U.S. laws that hinder our industries from operating on a level playing field. That is what this amendment addresses. Our businesses, our workers have an expectation that we will provide a level playing field for them, and we need to deliver on that. This amendment is a good step in that direction.

Unfair trade practices are hurting our U.S. manufacturers and costing jobs. In my State of Michigan, I regret to say, we now have the highest unemployment rate in the country. At the time when our Nation's countervailing duty laws were approved in 1979, the Department of Commerce decided it was impracticable to apply those laws to nonmarket economies such as China due to the difficulty of determining what defines a government subsidy within the context of a state-controlled economy.

However, since that time, many non-market economies have undertaken significant economic reforms that have liberalized the state control over their economies. Unfortunately, however, some of these nations, such as China, refuse to comply with standard international trading rules and practices and use subsidies and other economic incentives to give their producers an unfair competitive advantage. This has a direct impact on job loss in Michigan, as well as in other States.

As we all know—and it has been documented—these subsidies range from currency manipulation, to providing below interest rate loans to less than creditworthy companies, to providing preferential access to raw materials and other input. I should mention that I was very proud to be a part of the effort to get a very strong vote a few weeks ago; 67 Members on both sides of the aisle joined to send a message both to the White House and to China that we expect China to stop manipulating their currency, which means it costs more for us to sell to them than for them to sell to us. It is part of what we need to do to level the playing field. I hope that because we have joined together in the vote we had on a very strong bipartisan basis, we will see the same kind of vote on this Bayh amendment.

I will give you a few examples of how this hurts Michigan manufacturers and workers directly. Counterfeit automotive products are a very big problem in Michigan. Not only does it kill

American jobs, but it has the potential to kill Americans as cheap, shoddy automotive products replace legitimate ones of higher quality. The American automotive parts components industry loses an estimated \$12 billion in sales on a global basis to counterfeiting. This must stop. We don't even keep statistics on the potential loss of life.

The United States is losing manufacturing jobs as a direct result of China's policies. China's policies have cost our economy 1.5 million jobs in the last 15 years and 51,000 jobs alone in Michigan. These job losses are hurting all of our manufacturers, from apple juice, to auto parts, to clothing, to furniture.

At this stage, U.S. industries have no direct recourse to combat subsidies used by nonmarket economies. They must rely upon the Federal Government to negotiate a settlement, or on the dispute settlement processes of international organizations, such as the WTO.

Why do we put such a strain on our own businesses? The remedies available currently might eventually lead to relief, but it takes years to see relief. We are losing jobs every day. There are headlines every day in Michigan about job loss. We have to have a sense of urgency here in the Senate and in the Congress and in the White House.

The Bayh amendment would change the situation to ensure that nonmarket economies are subject to the same countervailing duty laws as all other trading nations.

At a recent Finance Committee hearing on his nomination, Congressman PORTMAN said he thinks "we . . . need an additional focus on China. After a top-to-bottom review, I would plan to shift some resources, including some people to that effort."

I certainly encourage him to do that. I also want to indicate at this time that Congressman PORTMAN indicated support for a focus on creating an international trade prosecutor, or some people in his office who would focus on the role of prosecutor more broadly on those other countries that are violating rules. Senator BAYH has been a champion of that effort, and I am very proud he has joined with me and Senator GRAHAM in South Carolina in introducing specific legislation that relates to creating an international trade prosecutor as well. All of these pieces are important. We have taken one step to sending a message to China and to the administration that we expect them to address the issue of currency manipulation.

Now, this amendment is a very important piece in leveling the playing field for our businesses and our workers. I also urge that we incorporate an international trade prosecutor who will be our American voice for business and for workers on the broad issue of continuing to make sure the rules are fair. I think these pieces together create hope for the people we represent, whom we, in fact, would stand up for and stand up for American jobs.

While I have the floor, I want to speak briefly about something else that also relates to American jobs. In addition to this important amendment, we will be focusing on the broader issue of a strong SAFETEA Transportation bill. I am hopeful that we are going to get this done as quickly as possible. I am pleased that we have begun the process of debating this critical issue.

The snow finally has melted in Michigan—at least for the moment—and we are in the beginning of a new construction season. During the budget debate, I was pleased to join with Senator TALENT to lead an effort on an amendment to help the Senate produce a well-funded Transportation bill. I know Senator GRASSLEY and Senator BAUCUS are working hard to help strengthen this bill that is in front of us.

As my colleagues know, this bill isn't just about improving roads and transit systems and buses, but it is about creating jobs. Again, it is absolutely critical that we do everything possible to create American jobs and do it as quickly as possible. The Transportation bill is one of the fastest ways that we can bring good-paying jobs back to our States.

The Department of Transportation estimates that every \$1 billion of highway spending creates 47,500 new, good-paying jobs, and it generates more than \$2 billion in economic activity.

Mr. President, we need this bill now. If there are efforts to extend it, we need to have it be a short extension beyond May 31. My preference is to get this done before the end of May because we are going to lose another construction season if we do not. We in Michigan have projects ready to go the minute this bill is signed. It is absolutely critical that we get this done as soon as possible.

Over the last 4 years, Michigan has lost jobs. This bill, as I said, would create good-paying jobs that would help thousands of our families in Michigan. We are not talking about minimum wage jobs, we are talking about well-paying jobs, good-paying jobs that help families pay their mortgages and save for retirement and put their children through school.

Last year's bipartisan Senate bill that passed overwhelmingly would have created over 99,000 jobs in Michigan alone. It is my hope that the Senate will pass another strong bill. I understand that the House and the White House did not support the effort that we passed. Even though it was an important bipartisan effort and it showed in the Senate the best about governing, in my opinion, and people worked very hard on both sides of the aisle, it is very unfortunate that this was not supported by the House or the White House. Now we have a bill back in front of us and we need to make it the best we can possibly make it so that we are creating jobs and meeting the needs of our communities. We cannot fix the problems that we have in our States in

terms of infrastructure and traffic congestion and issues of jobs and so on without the very best bill possible.

I am very hopeful—and I will do everything within my power, working with colleagues on both sides of the aisle—to get the fairest, best bill that we can for the people we represent and to get that as quickly as we possibly can.

Mr. President, I urge my colleagues to support the Bayh amendment and to move on to put together the final bill in the best way possible for both those States such as mine, which are donor States, as well as for the other States around the country, so that we can create the jobs that are needed as quickly as possible.

I yield the floor.

The PRESIDING OFFICER (Mr. MARTINEZ). The Senator from Indiana.

Mr. BAYH. Mr. President, I thank my friend and colleague, the Senator from Michigan, for her generous words, but for her leadership as well on both of these important issues. She understands very well the Transportation bill will create jobs for our construction workers in the short run and will improve our productivity in the long run but that it is just part of a bigger piece of improving America's economic competitiveness, and a big part of that, in Michigan and Indiana and the other 48 States, is when workers want to work hard, be smart, play by the rules, do the right thing, they need to be rewarded for those efforts and not have their hard-working sacrifices unfairly taken from them by global competitors who do not play by the rules, who cheat, and are not willing to make the tough decisions our businesses and workers are asked to make.

I thank her for her leadership and for her kind words and look forward to working with her on these and other issues.

Ms. STABENOW. Mr. President, I thank the Senator.

Mr. INHOFE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, right now the pending business is the Bayh amendment. I stress again that both Senator JEFFORDS and I are inviting anyone to come down with amendments they have. Senator BAYH has graciously agreed to set his aside for the consideration of any other amendments, and then we would go back to his amendment. So I would not want any Members who are watching the proceedings to believe they cannot get their amendment in. We do encourage them to bring their amendments down. I would hate to have all of these stacked up at the last minute. Now is

the time to get consideration for amendments.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I rise today, our third day of debate on the highway bill.

As we have stated before, this is vital legislation that will have an impact on every American.

I join Senator INHOFE in calling on my colleagues to come to the floor to offer amendments. With that said, I would like to address some of the important provisions in this bill.

I would like to spend a minute talking about bridges and our need to make sure that adequate funding exists to maintain these structures.

As many of my colleagues know, I have a passion for bridges and specifically covered bridges.

While covered bridges are no longer critical parts of our Nation's infrastructure, they provide an important link to our collective past and are feats of engineering and longevity.

The National Covered Bridge Preservation Program, which I authored in 1998, has been a great success, albeit a slightly underfunded success.

From the Thetford Center Covered Bridge to the Weathersfield Falls Covered Bridge, I have taken great pride in being able to work to rehabilitate these bridges in Vermont.

Given my passion for the topic, many members may think that Vermont has the Nation's largest number of these bridges.

In fact, Pennsylvania has 220 covered bridges, Ohio has 144 covered bridges, and Vermont has only 99 covered bridges.

Even California has 12 covered bridges and Missouri has 5.

It is my great regret that I do not believe Oklahoma has any of these fine structures.

While I may seem like a broken record talking about bridges, it is critical that we pass a bill that adequately funds bridge maintenance and repair.

While I do not have the national statistics at my fingertips, those of you that travel around our Nation's Capital can readily attest to the fact that the bridges in this city are choke points for commuters and commerce.

The DC Department of Transportation estimates that about \$300 million is needed to repair 11 major bridges.

If we do not provide at least some of these funds, our economy will suffer.

Senator LEAHY and I have been working for years to provide funds to rehabilitate the Missisquoi Bay Bridge in Vermont.

This bridge links New York and Vermont and serves as an international corridor to Canada.

In 1998, Vermont's congressional delegation secured funds in the highway bill to begin the project, and unfortunately we are still at it.

I can hardly imagine how long it would take to upgrade the George

Washington or Chesapeake Bay Bridges.

It is my hope that the Congress will send the President a bill with a robust bridge program.

Our Nation's bridges, whether historic or not, are in a state of disrepair and this bill is an important step in the right direction.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, the Senator from Vermont brings up a very sensitive subject to me, and that is one of bridges. It seems to me we do have one covered bridge in Oklahoma. I am going to have to check on that to make sure they get a share of this, whatever it is.

We do have a serious problem. The FHWA ranks various States and the conditions of their bridges, roads, and highways. Oklahoma is ranked dead last in the condition of its bridges, and it is a very serious matter. It is also a very serious problem in terms of the number of deaths we have.

One of the considerations that was involved in putting together a formula—and I state again how much work goes into a formula approach. I have said several times that it would be very easy to do it the other way where we just come up with a bunch of projects and satisfy 60 Senators and pass a bill and go home. That is not what we tried to do. One of the considerations we have is the risk in the various States, the number of mortalities.

Once again, at this point it is important to stress why we need to have a bill. We are now on our sixth extension, and extensions do not work. There is not a State of all 50 States that is not very anxiously awaiting this bill because with extensions there can be no planning. If we do not get this done, we will not have any chance to improve our donor States.

Oklahoma is a donor State. We have many donor States, and that is probably the most sensitive single issue in the formulas, is how the donor States are treated. But if we do not get this done, there is not going to be any change. We are right now at 90.5 percent. If we had passed the bill we had last year, which was a little more robust than this bill, by the end of that 6-year period, every State would have achieved at least a 95-percent return. That is the return of money they have paid into the trust fund.

As it is right now, in a lower amount, this would raise it a modest amount but not that much further above 90.5 percent. It would be an improvement, though.

If we do not have a bill and are operating under extensions, there will not be any new safety core programs to help the States respond to the thousands of deaths each year on the highways. In that respect, I think you have to acknowledge that this bill is a matter of life and death. There will be many more deaths if we do not have a good highway bill.

If we don't have a highway bill, there will not be any streamlining of the environmental reviews. Critical projects will still be subjected to avoidable delays that can be avoided with the passage of this bill.

Along that line, I think with all the provisions of this bill that was 2½ years in the making, there are a lot of provisions that my good friend from Vermont accepted that he would have preferred not to accept. There are many provisions I accepted that I would have preferred not to accept. But this was a give and take in a spirit of bipartisan cooperation, and I think that is something people are starving for right now. That is what they have in this bill.

If we do not have a bill, there is not going to be an increase in the ability to use innovative financing, giving us a chance to do something differently than we have been doing it before. Where innovative partnership types of financing have taken place, it has extracted a lot of money from the private sector that is willing to get in there and participate in the TIFIA provisions of this bill, allowing them to do that very thing.

There are a lot of members on our committee who were concerned about the Safe Routes to Schools Program. That is in here. Again, if we are operating under an extension, if we do have an extension, if we do not have the bill, we will not have that. It could be we will have young people killed and injured on the way to school without this bill.

Without this bill, with just another extension, States would continue to have uncertainty in planning and delay in projects. I hope this doesn't need much elaboration. It is only logical. If you know in advance what is going to happen over the next 5 years or so, you can start planning. You can plan your resources, plan your labor, plan the amount of construction that is going to go on in each State so each State will get far more for each dollar spent than they would get on just an extension.

If we just get an extension, we are not going to have any new border program. I think the border States, many of them, should be the first ones down here to encourage that this bill be passed, particularly those who are affected by NAFTA traffic. We have a special provision in here that takes care of borders as well as corridors. In the absence of this, with just an extension, we are not going to have any of these provisions.

Without the bill, we are going to have delay in the establishment of the national commission to score how to fund transportation in the future. We have been doing it the same way for many years. There are better ways of doing it. This bill establishes this commission to study what innovative suggestions might come from the States, ways we can do a better job of financing and getting private participation

and get a lot more efficiency into the system.

When you look at what we are faced with today, we have an unusually high price of gasoline. As a result of that, people are not driving as much. If we had a gas tax that was geared to a percentage basis, it would not make any difference. In fact, we would probably increase revenues. But that is not the way it is. It is just a number of cents per gallon, so if there are fewer gallons bought, then there is less money that goes into it.

If we do not have a bill, if we just go on an extension, there will not be any opportunity to address the chokepoints at intermodal connectors. People think this is just a highway bill. They think back in the early days, back when Eisenhower, in World War II, was a major, he realized the inefficiencies we had in this country in transportation when he was trying to move troops and move military equipment around the country. When he became President, he drew upon that experience and established, for that reason, this National Highway System.

This goes all the way back to the Eisenhower administration, but this goes further than it went at that time. Now we have chokepoints. A lot of people are not aware that my State of Oklahoma actually has a port. We have the port of Catoosa, about 10 miles from my home in Tulsa. But there are chokepoints in any transportation system. You can have a channel, air transportation, rail transportation; it has to marry up and be consistent with the movement on the roads. This bill does that. That is why we call it intermodal.

Last, the firewall protection of the highway trust fund would not be continued, thereby making the trust fund vulnerable to raids in order to pay for other programs. In every State, all 50 States, we have experienced problems of people seeing an opportunity to steal money out of the trust fund and raid it, and they do it. They have certainly done it in my State of Oklahoma—not just the highway trust fund but other trust funds, too. I know there are many States that have their own individual highway trust fund where money is coming out of it. This is something we can protect at the national level by having firewalls. The firewalls are intact in this bill.

There are a lot of reasons we have to do this other than just having a highway bill and getting more construction. We have had the opportunity to talk about the complexities of a formula and all the things that are in a formula. I believe it is worthwhile repeating some of them.

Formulas are not just, Are you a large State or are you a small State? They take into consideration many things. There are the interstate maintenance programs that are a part of the formula, as are the interstate lanes, the number of miles to be maintained, your National Highway System miles—

that is part of the formula—the Surface Transportation Program, the total lane miles, the Highway Bridge Replacement and Rehabilitation Program, the Congestion Mitigation and Air Quality Improvement Program, which is very important. It has taken a lot of time in committee to come up with something on which we could agree.

We have low-income States. Oklahoma is a low-income State. We have low-population States, such as Wyoming and Montana. We have low-population-density States. We have high-fatality-rate States. Everything I mentioned is part of the formula we are working on. We have guaranteed minimum growth States, where growth is very slow, but there is a factor that provides for a floor. We have guaranteed minimum rate of return donor States.

All are part of the consideration of a very complex, very difficult formula that is the proper way to do it. Again, we have said several times in the last 3 days, it would have been a lot easier for Senator BOND and Senator BAUCUS and Senator JEFFORDS and myself to have put together a bill that did not have a formula; it just would do projects. But we elected not to do that in order to get the most miles for our money and to be the most fair with all 50 States.

Our forefathers were great when they talked about putting together this system where you have the House and the Senate. One is on population, the other is geographic areas. It is our responsibility to be sure that each of these States is treated properly, is treated fairly. This bill has done that.

The Senator from Indiana, Mr. BAYH, has the pending amendment on the floor. As I stated before, he has agreed to set his amendment aside as soon as there are any coming down. We have a list of about seven or eight amendments that different Members wish to offer. This is the time to offer them.

As Senator JEFFORDS said, come on down. We want you to come down and offer it. You have much more time to spend on your amendments. You can explain them. We have all day today, and we need to have these amendments on the floor and considered. I know what is going to happen if we do not. We are going to get down toward the end of it. Who knows, there may be cloture invoked where you are almost out of time and everyone is going to be yelling and screaming and crying they didn't have adequate time to consider their amendments. So let me get on record right now and say you have adequate time. We invite you to come down and present your amendments for consideration. As I said, Senator BAYH has agreed to set his amendment aside should you come down and want an amendment considered. Come on down. We are open for business.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, it has been agreed that anyone who wants to seek the floor can seek the floor, and we will be returned to the amendment under consideration, which is the Bayh amendment. We move to temporarily set the Bayh amendment aside for the purpose of the Senator's statement.

Mr. THOMAS. I thank the chairman.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. THOMAS. Mr. President, I come to the Senate to urge we move forward with our highway bill. We have worked on this for a very long time. I was on the committee 6 years ago when we passed the original bill. We have not passed it the last couple of years but have simply extended it. I hope we can move forward.

There are a number of issues before the Senate that have immediate impact. One of them is this highway bill, as well as the Energy bill.

There are other conversations going on, disputes about a number of issues, but overall we are here to do some work. This is something that is most important. Six extensions is six too many. We need a highway bill.

One of the problems is all of our highway departments, as they work on highways, use contractors. Therefore, they need to make contracts ahead of time. They have to know what funds are available. So it is even more important for this particular activity to know what the funding is going to be over time than it is in any other agency of the Government.

Our State DOTs cannot make long-term plans unless they have some idea of what the funding is going to be. So projects are delayed in Wyoming, as I am sure they are in other States. One of our problems, of course, is we have a short construction season. So it is particularly important we be able to plan ahead and know when the construction is going to happen.

Federal funds account for nearly 70 percent of Wyoming's Department of Transportation highway construction budget. Even though we are relatively low in population, we have a large State and, therefore, lots of highways, and so on.

The long-term reauthorization of the bill, of course, will create jobs. Contractors have to have the assurance necessary to commit themselves to equipment and hiring people. It has been said that \$1 billion invested in Federal highways equals 47,500 jobs. We are talking about, in this bill, \$280, \$290 billion over time, so think of the number of jobs that are involved. Of course, it also creates jobs in related industries, such as those for engineers and those involved with stone, concrete, and fuel, and so on.

So there are so many reasons we should move forward with this bill. It deals with transportation, jobs, standard of living, quality of life. All these things are touched in this bill. Yet we seem to be awfully slow in moving it.

I am hopeful that as much time as has been spent on this bill in the committees, in the House, and so on, that we will be able to move forward and not have a whole series of amendments that seek to change everything. We have already been through that. We passed a bill in the Senate last year that was substantially higher. But because of the administration, because of the ability to raise funds, it has to be lower. So it is there for a reason.

This idea that somehow we can change it again, I am sorry, but there is some realism in terms of funding, regardless of what the program is. These programs, of course, are to come from gas taxes and the highway system. So I think it is very important.

I happen to be chairman of the Parks Subcommittee. This bill is very important for park roads. They currently receive about \$165 million per year. This bill will change that. So it will be about \$1.4 billion over 5 years. Of course, the highways are an essential element, particularly in the large parks we have in the West. They do not have the State things, and so on. So it is very important.

I am not going to take a lot of time, but I wanted to try to emphasize how important this bill is to most of us, and how important it is to get this bill done, and also how much effort has gone into the bill to bring it to this point, and to discourage anyone from trying to make too many changes in this bill because it has already been reviewed. It has already been bargained. Concessions have already been made.

So we are ready to move forward. Quite frankly, it seems to me like that is what we ought to be doing. So I urge everyone to give some thought to this bill. If they have ideas, let's talk about them, but let's get this job done. Let's get it out.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DAYTON. Mr. President, I concur with the remarks of the Senator from Wyoming. I also represent a Northern State with a very short construction season. We were severely impacted last year by the inability to reach an agreement with the House and with the President. But in fairness to all of us in the Senate, we were not the holdup in that matter.

As I said on numerous occasions to the distinguished chairman of the committee, Senator INHOFE, and to the ranking member, Senator JEFFORDS, we had a bipartisan agreement in the Senate that was best for Minnesota and I think for virtually every other State. I have not heard anybody say they have too much Federal highway or transit money and don't know what to do with it. But, unfortunately, we ran

into the intransigence of the administration a year ago, and with the insistence of the President, the concurrence of the House, and were unable to get what the chairman of the Senate Finance Committee, Senator GRASSLEY, said was a fiscally sound and balanced—in terms of the highway trust fund revenues—measure in the Senate.

So while I concur with the Senator from Wyoming, I might also point out, as it relates to this particular legislation, the Democratic leader, Senator REID, last week wrote to the Senate Republican leadership and urged that this measure be brought up this week. I commend Senator FRIST and Senator MCCONNELL for deciding to proceed on this very important matter for the people of this country rather than some of the shenanigans that others were urging upon them. So we are proceeding on a measured basis, but not with any resistance or opposition by anybody on this side of the aisle.

We voted overwhelmingly to proceed on the motion to proceed earlier in the week. It is unfortunate timing that our long-planned Senate recess for next week will truncate the process. But I share the Senator's view that this bill needs to be enacted as expeditiously as possible. I hope the conference committee will be able to proceed as quickly as possible thereafter, while recognizing the Senate bill has been, and continues to be, vastly superior to the House version in terms of additional funding. Those are matters worth arguing about and, hopefully, prevailing on because Minnesota needs the money even as much as we need the bill to be completed.

Mr. President, if there is no immediate business related to this measure—I spoke earlier with the bill's manager—I ask unanimous consent that I have up to 10 minutes to speak as in morning business. Is this a propitious time to do so?

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

(The remarks of Mr. DAYTON are printed in today's RECORD under "Morning Business.")

Mr. INHOFE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COBURN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, some people are not aware that when you have something as massive as a highway bill, it is not just the committee I chair, the Environment and Public Works Committee, but other committees are involved, including the Finance Committee, the Banking Committee, and the Commerce Committee. As of right now, we don't have the titles that come from those three com-

mittees, but we will have one right now.

AMENDMENT NO. 573 TO AMENDMENT NO. 567

Mr. INHOFE. Mr. President, on behalf of Senator SHELBY, I send an amendment to the desk, the Federal Public Transportation Act of 2005, and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE], for Mr. SHELBY and Mr. SARBANES, proposes an amendment numbered 573.

Mr. INHOFE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in the RECORD of April 26, 2005 under "Text of Amendments.")

Mr. INHOFE. Mr. President, let me reemphasize to my friend from Indiana, as soon as this amendment is disposed of, we will return to the regular order, which is the pending Bayh amendment.

This amendment, which was crafted on a bipartisan basis in the Senate Banking Committee, provides \$51.6 billion to address growing public transportation needs across the country.

It provides for record growth for public transportation and for the first time recognizes the growing needs in rural communities across the country, including my State and the State of the Presiding Officer, Oklahoma, which has a rural population of greater than 57 percent. In fact, in the final year of this bill, the rural transportation program is doubled over its TEA-21 levels.

Additionally, it creates a new formula within the urbanized area formula called the "Rural Low Density" formula. Rural transit is as challenging to provide as the distances between employment centers and health care centers are great.

This amendment also creates a formula to recognize "growing States"—those locations which are forecast to grow more quickly than the average over the course of the next 15 years. This change will allow those States, which includes Oklahoma, to be proactive with regard to their transportation needs.

Finally, this amendment makes several modifications to enhance the role of the private sector in public transportation. By creating opportunities for competition, public transportation services can be provided more efficiently.

I am happy to have had the opportunity to work with Senator SHELBY on the development of this amendment. I look forward to working with him on final passage and a successful conference report.

I ask unanimous consent that the amendment be agreed to, that the language be considered as original text as part of the substitute for the purpose of further amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 573) was agreed to.

Mr. INHOFE. Mr. President, I thank Senators SHELBY and SARBANES because we cannot really entertain amendments that affect these titles until we have them done. We are anxious to get the other two titles on the bill.

I will repeat our plea for people to come over with their amendments because the Senator from Indiana has agreed that he would set his amendment aside when people come down, with the understanding we would return to his amendment upon completion of those amendments.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, let me repeat one more time, we are going to be open for business, as we were today, tomorrow. We will invite people to come down.

I want to get on the record right now, very often we go through this exercise and when we get close to the end of the consideration of the bill, when cloture has been filed, everyone comes running and screaming, saying they want to offer an amendment. Now is the time to do it. Members can bring them down anytime tomorrow. I certainly invite any Member to come down and offer the amendment tomorrow.

#### MORNING BUSINESS

Mr. INHOFE. Mr. President, I ask unanimous consent we now go into a period of morning business, where each Senator may speak for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### NATIONAL SMALL BUSINESS WEEK

Mr. KERRY. Mr. President, this week, the Nation celebrates National Small Business Week. It is a time when all of us join together, without any partisanship at all, to celebrate the hard work of millions of American entrepreneurs. At the Small Business Administration Expo last night at the Smithsonian, we recognized countless Americans who have had the courage to put everything they have on the line in order to turn an idea into a business. We celebrated the business people of the year from all of the 50 States in the country.

Today, these Americans, I think all of us recognize, are much more than small business owners. They are employers, community leaders, and they